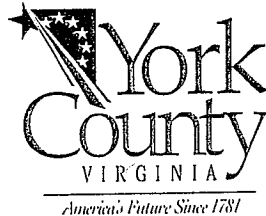


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January 8, 2010

Mr. David Carney  
1405 Dare Road  
Yorktown, Virginia 23692

RE: York County Wetlands Application 09-64, VMRC 09-1784

Dear Mr. Carney:

On December 21, 2009, I received your application to construct 150- feet of riprap in front of a failing block wall and 150-feet of marsh toe sill along the shoreline of the Poquoson River. I have reviewed the application and determined a wetlands permit and a Chesapeake Bay Preservation Act (CBPA) buffer modification will be required prior to any construction, land disturbance or tree removal. A Land Disturbing Activity (LDA) permit may also be required depending upon the area of upland disturbance.

The next York County Wetlands Board public hearing is scheduled for 6:00 p.m. on Thursday, February 11, 2010. The hearing will be held in the East Room on the first floor of York Hall at 301 Main Street in Yorktown's historical area. According to §23.1-7(c) of the County Code, a nonrefundable-filing fee of \$150.00 is required to cover the cost of advertising and processing. **This fee must be paid by January 19, 2010 for your application to be considered for the February 11, 2010 hearing.** Please submit payment to this office as soon as possible, either in person or by mail. The check should be made payable to "Treasurer, County of York."

**WETLANDS REVIEW:**

1. **Two** tie-down distances are required to the endpoints of the riprap and marsh toe sill. These distances are required for pre and post construction verification. The distances may be measured from trees or other permanent features and must be to the landward edge of the structures. Stakes can be set in the ground to act as temporary benchmarks; however; they must remain in place and be flagged until the final inspection.
2. Please clarify the base width of the riprap and the slope.
3. The location of the riprap and marsh toe sill must be staked at the endpoints and at the midpoint. The stakes must remain in place for photographs and so the Board can determine the impact to the wetlands during their site visits.

Mr. Carney  
January 5, 2010  
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#### LAND DISTURBING ACTIVITY PERMIT REVIEW:

1. The area of upland disturbance in square feet must be estimated and noted on the plan. The limits of disturbances include a 20-foot wide construction zone and a 15-foot construction access way. **No tree removal or land disturbance is allowed outside of these areas**
2. If the area of disturbance (comment 1 above) is greater than 2,500 square feet, then a Land Disturbing Activity (LDA) permit is required. An LDA permit application is enclosed for your use. Please contact Joseph Brogan at 890-3752 for information regarding LDA permits.
3. The Virginia Department of Conservation and Recreation requires a Stormwater VSMP permit in addition to a York County Land Disturbing Activity permit for any project disturbing greater than 2,500 square feet. Please contact DCR in Richmond for additional information or go to [www.dcr.virginia.gov](http://www.dcr.virginia.gov) (VSMP Permitting)

#### CHESAPEAKE BAY REVIEW:

1. To meet Chesapeake Bay Preservation Act (CBPA) requirements, the enclosed Water Quality Impact Assessment (WQIA) must be completed and submitted. The goal of the CBPA regulations is to limit land disturbance in the 100-foot buffer along the shoreline. Accordingly, construction activity must be limited to a 20-foot strip landward of the re-graded area and a single 15-foot wide construction access way. Since this property is located entirely within the buffer there does not appear to be any alternative to stockpiling the stone in the RPA. Please show the stockpile area on the plan.

**Please submit the enclosed WQIA, revised application, and have the project staked by January 19, 2010.** A staff visit is tentatively set up for January 21, 2010 and a site visit by the Wetlands Board is scheduled for the afternoon of Wednesday, February 3, 2010. You will get a Site Inspection Schedule with the time of the Board visit by January 30, 2010. If you have any questions, please contact me at 890-3538 as soon as possible.

Sincerely,



Anna Maria Drake  
Manager of Environmental Programs

Enclosures: LDA application and Shoreline WQIA

Copy to: Bob Winstead, Agent  
Wetlands Board & File  
Randy Owen, VMRC  
VIMS Wetlands Program